

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL MINUTES

Date: August 16, 2018 **Time:** 45 minutes **Judge:** WILLIAM H. ORRICK
2:24 p.m. to 3:09 p.m.

Case No.: [17-cr-00518-WHO-1](#) **Case Name:** UNITED STATES v. Denson

Attorney for Plaintiff: Samantha Schott
Attorney for Defendant: Jodi Linker
Defendant **Tahren Denson** – present, on bond

Deputy Clerk: Jean Davis
Interpreter: n/a

Court Reporter: Vicki Eastvold
Probation Office: Aakash Raju

Sentencing Hearing conducted.

Findings: The Court has reviewed the Presentence Report, the Sentencing Memoranda, the Office of the Inspector General complaints, defense counsel's letter to probation and the government's reply thereto. Counsel confirm that all appropriate materials have been reviewed.

Objections to the Presentence Report are taken up. The defense objection to the amount of loss is granted, and the amount of loss will be fixed at \$7,504.00. The remaining objections are overruled. The calculation of criminal history points is reviewed. Defense concurs that a criminal history of II is technically accurate but contends that it overstates the nature of Ms. Denson's past criminal offenses, all of which were misdemeanors, and asserts that a criminal history of I is more representative of Ms. Denson's past criminal behavior. The Court reviews the remaining sentencing guideline calculations with counsel, who confirm their accuracy. Government heard as to the 3553(a) factors and in support of its recommendation for an 8-month custodial sentence. Defense heard as to the 3553(a) factors and in support of a recommendation for a non-custodial sentence of probation and/or home confinement, noting in part that Ms. Denson now has sole custody of her daughter, who starts Galileo High School shortly. Probation Officer heard as to recommendation for a custodial sentence and the process which would be associated with a possible sentence of intermittent confinement. The Court reviews the factors considered in crafting an appropriate sentence. Ms. Denson is heard on her own behalf. The government is heard as to the restitution issue. Counsel agree that it would be preferable for restitution be paid to the Registry of the Clerk of the Court for distribution to the individual victims, rather than restitution being paid to the postal service. Defense, probation, and government heard as to the appropriate monthly restitution amount. Sentence is pronounced as indicated below. Defendant is advised of her right of appeal. Counts One and Three of the Indictment are dismissed upon government motion.

Judgment: Defendant is sentenced to a five (5) year term of probation as to Count Two of the Indictment. The probation will be under the standard conditions in force in this district and additional special conditions, including six months home confinement enforced by electronic monitoring with exceptions for work, counseling and medical treatment, religious practice, and other purposes approved by the Probation Officer. A Special Monetary Assessment of \$100.00 is imposed and is due and payable immediately. Restitution in the sum of \$7,504.00 is ordered to be paid to the Registry of the Court for the benefit of the individual victims identified by the government. During the period of probation restitution shall be paid in the sum of \$125.00 or 10 percent of earnings, whichever is greater. The defendant's interest in any proceeds of the criminal activity, including the \$249.00 in currency seized from defendant at the time of arrest will be forfeited.

Although the Court indicates that no further status conference would be scheduled but defendant is welcome to ask that a status conference be scheduled to share her progress with the Court if she wishes to do so, **after the hearing, the Court changes its mind and sets a status conference for March 7, 2019, at 1:30 p.m. so that Ms. Denson's progress on probation can be reviewed.**